

Chapter

1

Introduction to California Laws, Regulations, and Codes for Housing Construction

The purpose of this handbook is to provide an introduction of State laws, regulations, and construction codes applicable to housing construction in California, including hotels, motels, lodginghouses, apartments and one and two family dwellings. Too often, local agencies are in the practice of referencing only the commonly known model codes, overlooking the requirements in law and regulatory adoptions by the California Building Standards Commission, State Historical Building Safety Board, California Energy Conservation and Development Commission, Department of Housing and Community Development and others.

California's building codes for housing consist of State laws enacted by the California Legislature and building standards (State regulations) adopted and published by the California Building Standards Commission (CBSC hereafter) as proposed by several State adopting agencies, and administrative regulations adopted by the Department of Housing and Community Development. Local governments are required by State law to enforce these codes. Specifically, local government must enforce the building standards published by the CBSC, except that local governments may adopt an equivalent code, and/or adopt modifications to the California Building Standards Code to address local conditions within limitations established by the Legislature. All these subjects are discussed in more detail in this handbook.



California State Laws

California State laws are enactedd through the legislative process. There are 29 separate codes organizing California's State laws as follows:

Business and Professions Code	Civil Code
Code of Civil Procedures	Commercial Code
Corporations Code	Education Code
Elections Code	Evidence Code
Family Code	Financial Code
Fish and Game Code	Food and Agricultural Code
Government Code	Harbors and Navigation Code
Health and Safety Code	Insurance Code
Labor Code	Military and Veterans Code
Penal Code	Probate Code
Public Contract Code	Public Resources Code
Public Utilities Code	Revenue and Taxation Code
Streets and Highways Code	Unemployment Insurance Code
Vehicle Code	Water Code
Welfare and Institutions Code	

The Health and Safety Code is State law that establishes the CBSC and the authority for several State agencies including HCD, to regulate building design and construction. The Health and Safety Code is not the only State law establishing building code requirements or the authority for State agencies to adopt regulations for the design and construction of buildings. Four examples are:

- The authority for the Division of the State Architect to regulate construction of school buildings is from the Education Code and the Health and Safety Code.
- The authority for the Division of the State Architect to establish accessibility requirements for publicly owned buildings is in the Government Code.
- The authority for the Department of Water Resources to regulate standards for piping gray water is in the Water Code.
- The authority for the Department of Housing and Community Development to adopt accessibility regulations for multifamily housing is in Government Code section 12955.1

Building code enforcement personnel must be aware of the requirements in State laws, in addition to the State regulations and referenced codes. That is because there are several specific requirements in law that may not be adopted into the State regulations and may be more restrictive than the adopted building codes. Chapter 5 provides a brief listing of examples of specific requirements established by the California Legislature that are not or have yet to be adopted into the building codes. Additionally, the Legislature may make requirements retroactive. Incorporation of new State law provisions into the State regulations, such as Title 24 of the California Code of Regulations, requires a regulatory action by an appropriate State agency. Because of staffing constraints several State agencies have not been able to keep their regulations current with the legislative enactments in law. Without awareness of the legislative enactments, requirements of law will be overlooked. This too results in a lack of statewide uniformity in the application of design and construction requirements resulting in increased housing costs.

State laws may be found in law libraries, public and private law offices, and many public buildings. They also may be accessed through the Internet at website “www.leginfo.ca.gov”, or through the California



Homepage for State government available at “www.ca.gov”. Look for headings and icons like “California Laws” or, “California’s 29 Codes”. From the California Homepage, you may also access the websites for all the State agencies. The Department of Housing and Community Development (HCD) website is at “www.hcd.ca.gov”. Further, from the California Homepage you may access passed or pending legislation at “www.leginfo.ca.gov”.

In summary, good reasons for being aware of the State laws are:

- State law establishes the foundation for building codes in California.
- State law establishes the authority and mandates for the Building Standards Commission, State Historical Building Safety Board and State adopting agencies, including HCD.
- State law establishes authority and mandates of local government in the area of housing construction.
- State law establishes some requirements for the design and construction of buildings and accessories to buildings that are more restrictive than model codes.
- State law may impose requirements that are retroactive, which is not otherwise done with model codes.
- The mandates of State law may not be incorporated into the State regulations and or building standard codes until a regulatory action is completed by an appropriate State agency. This means there will be a difference in requirements, with the State law always prevailing over State regulations, until the regulations are updated. Generally, the regulatory process requires one-year to complete and cannot begin until the authorizing law is enacted.
- State law establishes the requirement for local government to enforce the California Building Standards Code (California Code of Regulations, Title 24), or adopt an equivalent local code and authority to adopt local requirements more restrictive than Title 24 for local topographic, geological or climatic conditions.

California Building Standards Law

The “California Building Standards Law” is the name given to the segment of the Health and Safety Code, in Division 13, Part 2.5, commencing with section 18901. It establishes the existence, authority and mandates for the CBSC, the process and criteria for adopting building standards to be contained in Title 24 of the California Code of Regulations, requirements for local enforcement of Title 24, and more.

The California Building Standards Law (current at time of printing) is provided in Appendix 3 of this handbook, and is available through the Internet at “www.leginfo.ca.gov”. Select the Health and Safety Code from the index of “California Law”. Appendix 3 includes 2001/2002 legislative enactments effective January 1, 2002.

State Regulations

The California Code of Regulations (CCR), formerly known as the California Administrative Code, is the accumulation of regulations adopted by State agencies to implement, interpret, clarify, and carry out State law. To adopt a State regulation a State agency must have authority in law to do so. The California Code of Regulations is divided into 27 separate Titles. Some titles are reserved for the regulations of a single State agency, or for one subject. The CCR Title numbers and given names are as follows:

- Title 1. General Provision
- Title 2. Administration
- Title 3. Food and Agriculture
- Title 4. Business Regulations
- Title 5. Education
- Title 6. Vacant
- Title 7. Harbors and Navigation
- Title 8. Industrial Relations
- Title 9. Rehabilitative and Developmental Services
- Title 10. Investment
- Title 11. Law
- Title 12. Military and Veterans Affairs
- Title 13. Motor Vehicles
- Title 14. Natural Resources
- Title 15. Crime Prevention and Corrections
- Title 16. Professional and Vocational Regulations
- Title 17. Public Health
- Title 18. Public Revenues
- Title 19. Public Safety
- Title 20. Public Utilities and Energy
- Title 21. Public Works
- Title 22. Social Security
- Title 23. Waters
- Title 24. California Building Standards Code
- Title 25. Housing and Community Development
- Title 26. Toxics
- Title 27. Environmental Protection
- Title 28. Managed Health Care

Except for Title 24, the California Code of Regulations is accessible on the Internet at “www.oal.ca.gov” a website maintained by the Office of Administrative Law.

California Code of Regulations, Title 24

California Code of Regulations, Title 24 (CCR Title 24 hereafter), is given the name “California Building Standards Code” and is an adoption of regulations proposed by several State agencies authorized by State law to regulate specific types of buildings or building features and site preparation, along with the incorporation of selected model codes. The local building or fire official must enforce much of CCR Title 24. The CCR Title 24 is published by the CBSC on a three-year cycle, generally one year following the publication of new model code editions. The current edition is the *1998 California Building Standards Code*.

CCR Title 24 is reserved for regulations that are defined in Health and Safety Code Section 18909 as *building standards*. In short, a *building standard* is a regulation prescribing design and construction methods for buildings. Any regulation proposed for adoption in CCR Title 24 must satisfy the terms in section 18909.



CCR Title 24 is large and complex, requiring an organizational scheme. Thus, it is divided into segments called “Parts”. Each “Part” is given a name as well, and when published, CCR Title 24 is contained in binders. Part 2 is so large 4 binders are needed. All others are contained in a separate binder except that

Parts 7, 8, 10 and 12 are contained in one binder. CCR Title 24 Part numbers and their given names are as follows:

- Part 1- Administration.
- Part 2- California Building Code, presently based on the 1997 Uniform Building Code published by the International Conference of Building Officials.
- Part 3- California Electrical Code, presently based on the 1996 National Electrical Code published by the National Fire Protection Association.
- Part 4- California Mechanical Code, presently based on the 1997 Uniform Mechanical Code published by the International Conference of Building Officials.
- Part 5- California Plumbing Code, presently based on the 1997 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials.
- Part 6- California Energy Code.
- Part 7- California Elevator Safety Construction Code.
- Part 8- State Historical Building Code.
- Part 9- California Fire Code, is pre-assembled with the 1997 Uniform Fire Code published by the ICBO and the Western Fire Chiefs Association.
- Part 10- California Code for Building Conservation, based on Appendix Chapter 10 of the 1997 Uniform Code For Building Conservation published by the International Conference of Building Officials.
- Part 11- Vacant.
- Part 12- California Reference Standards Code.

CCR Title 24 is an accumulation of building standards. Some State agencies adopt their own building standards and submit them to the CBSC for approval. Other State agencies submit proposed building standards to the CBSC for their adoption. Each State agency has a specific area or subject of jurisdiction. The agencies and their areas (abbreviated) of authority are:

- Department of Housing and Community Development (housing, including accessibility in other than public housing)
- Office of the State Fire Marshal (State buildings, places of assembly, residential care facilities, tents, smoke detectors)
- Division of the State Architect (public schools, accessibility in public buildings and public accommodations)

- Office of Statewide Health Planning and Development (hospitals and medical care buildings)
- Department of Health Services, (nursing homes, child care facilities)
- Department of Industrial Relations- Division of Occupational Safety and Health (places of employment)
- California Energy Commission (any building consuming gas and electricity)
- State Historical Building Safety Board (designated historical buildings and sites)
- Department of Food and Agriculture (food processing)
- Department of Youth Authority (detention facilities)
- Department of Water Resources (gray water usage)
- Board of Corrections (detention facilities)
- Department of Consumer Affairs (barber and beauty shops, veterinary facilities)

A complete explanation of the specific jurisdiction for each State agency is provided in Chapter 1 of CCR Title 24, Part 2, the California Building Code. The jurisdiction explanation is repeated as necessary in a similar chapter or article of each Part of CCR Title 24.



Incorporation of Model Codes into Title 24: Parts 2, 3, 4, 5, 9 and 10 of CCR Title 24 are based on the model codes selected by the CBSC pursuant to Health

and Safety Code sections 18916 and 18938 (b) and 17921. These Parts of Title 24 based on model codes are currently using the editions listed on page 7. At the time of this printing, the State adopting agencies and CBSC are at work to adopt the 2001 edition of Title 24. During 1999 and 2000, special project committees' review and public hearings conducted by the CBSC resulted in the selection of new editions and model codes for adoption into Title 24 in 2001, and two exceptions to the normal process. The model code selections to form the 2001 edition of Title 24, the California Building Standards Code are:

- The 1997 Uniform Building Code, published by the International Conference of Building Officials, to be republished with new amendments and continue for another three years as the basis for Part 2 of Title 24, the California Building Code.
- The 1999 edition of the National Electrical Code for the basis of Part 3 of Title 24, the California Electrical Code. The 1999 NEC has been adopted but the effective date is held until the balance of these model codes are adopted and effective.
- The 2000 edition of the Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials, as the basis of Part 4 of Title 24, the California Mechanical Code. This is a different mechanical code than adopted in the current Title 24 Part 4.
- The 2000 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, as the basis of Part 5 of Title 24, the California Plumbing Code.
- The 2000 edition of the Uniform Fire Code, published by the Western Fire Chiefs Association, as the basis for Part 9 of Title 24, the California Fire Code.
- The 1997 Uniform Code for Building Conservation, Appendix Chapter 10, published by the International Conference of Building Officials, to continue for another three years as the basis for Part 10, the California Code for Building Conservation.

When the adoption process of 2001 is completed, the CBSC will publish the 2001 edition of Title 24, Parts 1 through 12, of the California Code of Regulations.

The process of adopting the model codes requires the State agencies to review each new edition and propose final regulatory language for placement in CCR Title 24, Parts 2, 3, 4, 5, 9 and 10, along with modifications and additions. The modifications and additions to the model code language are known as “California Amendments” (previously known as “State amendments”) and are necessary to incorporate requirements established in State laws, and federal laws and regulations. The State agencies adopt or propose for adoption most of the model code language, but propose amended language to prevent conflict with State laws or Federal laws and regulations. CCR Title 24 is printed in a manner that distinguishes

model code language and California Amendments. The California Amendments are illustrated by the use of *italic* font print, and a margin mark formed by the letters “C” and “A” stacked vertically aside the amendment. The letter “L” is placed in the margin adjacent to the “CA” to indicate the California Amendment is for local enforcement.

When the adoption process is complete, the mandatory effective date of new adoptions in CCR Title 24 for local enforcement is no sooner than 180 days following the publication date established by the CBSC. This 180-day period is required by State law to allow local government and those subject to the codes time to adjust processes, designs, and obtain or provide training. However, the CBSC may establish an effective date greater than 180-days after publication as it did in 1999 at the request of local government needing time to adjust to the new code requirements.

Where to Obtain Title 24



As said previously, CCR Title 24 is not available at the website of the Office of Administrative Law like most all other

provisions of the California Code of Regulations. This is because Parts 2, 3, 4, 5, 9 and 10 are based on privately published model codes subject to copyright protections. The CBSC has expressed an interest in placing those Parts of CCR Title 24 not based on a model code on the Office of Administrative Law website.

Title 24 is available for purchase as shown in the following table.

	Part 1	Part 2	Part 3	Part 4	Part 5	Part 6	Part 7	Part 8	Part 9	Part 10	Part 12
International Conference of Building Officials 5360 Workman Mill Road, Whittier, CA 90601 1-800 423-6587	X	X	X	X	X	X	X	X	X	X	X
International Association of Plumbing and Mechanical Officials 20001 Walnut Drive South Walnut CA 91789 1-800 451-5978					X						
Builders Bookstore 8001 Canoga Avenue Canoga Park, CA 91304 1-800 273-7375			X								
Building News Inc. 1612 South Clementine Street Anaheim, CA 92802 1-800 873-6397			X								

The State Housing Law

The California Legislature has given Division 13, Part 1.5, commencing with section 17910, in the Health and Safety Code the name “State Housing Law.” The State Housing Law charges the California Department of Housing and Community Development (HCD) with the responsibility to adopt administrative regulations necessary to carry out its provisions, and for proposing building standards to the CBSC for adoption with application to the construction of hotels, motels, lodginghouses, apartments and dwellings. Additionally, the State Housing Law mandates preemptive requirements applicable to such housing structures, including substandard abatement proceedings for local government’s enforcement.

As a result of the mandates in the State Housing Law, the CBSC has adopted and published building standards in CCR Title 24 proposed by HCD. This is done in consultation with the other State adopting agencies also having jurisdiction for residential occupancies such as the Office of the State Fire Marshal for fire and panic safety, and the Division of the State Architect for accessibility. Additionally, the HCD has adopted administrative regulations in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (CCR Title 25 hereafter), commencing with Section 1. CCR Title 25 is discussed in more detail below in “California Code of Regulations, Title 25”.



The State Housing Law (current at time of printing) is provided in Appendix 1 of this handbook. Appendix 1 includes 2001/2002 legislative enactments effective January 1, 2002.

The Role of the Department of Housing and Community Development

The California Department of Housing and Community Development (HCD) is a department within the Business Transportation and Housing Agency. HCD has many responsibilities mandated by State law to meet the State's housing needs. In regard to construction standards for the various forms of housing, the Division of Codes and Standards performs the regulatory adoption work. The Division of Codes and Standards administers seven programs mandated by State law. As stated previously, in regard to conventionally constructed housing, the State Housing Law Program operated by the Division is intended to carry out the State Housing Law.

The program staff provides assistance to local building departments on subjects relating to building standards, accessibility in multifamily dwellings, and administrative regulations in CCR Titles 24 and 25.



California Code of Regulations, Title 25

Title 25, Division 1, is the segment of the California Code of Regulations (25CCR hereafter), adopted by the HCD to implement, interpret, clarify and make specific, the mandates of State law regarding housing. In regard to hotels, motels, lodginghouses, apartments, and dwellings of conventional construction, regulations in CCR Title 25, Division 1, Chapter 1, Subchapter 1, commencing with Section 1, are adopted by HCD's Division of Codes and Standards. These regulations are adopted primarily under the authority of the State Housing Law, in Health and Safety Code, Division 13, Part 1.5, commencing with section 17910, and apply to hotels, motels, apartments, lodginghouses and dwellings, and are preemptive and applicable throughout

the State. The scope of 25CCR includes the administration of building standards in Title 24, including the issuance of permits to construct, and use, maintenance, and abatement proceedings.

25CCR Chapter 1, Subchapter 1 (current at time of printing) is provided in Appendix 2 of this handbook. The text of Appendix 2 includes regulatory adoptions by HCD through January 1, 2002.

Authority and Reference Citations In State Regulations

In all CCR Titles of the California Code of Regulations except for CCR Title 24, there is important information provided at the end of each section. The information appears as follows:

Note: Authority Cited: Section 17003.5, 17921, 17922, 50061.5 and 50559, Health and Safety Code.

Reference: Sections 17921 and 17922, Health and Safety Code.

“Authority Cited” means that the listed sections of law provide the adopting State agency the mandate and authority to promulgate (develop and publish) the regulation contained in the section. In the above example, Health and Safety Code Sections 17003.5, 17921, 17922, 50061.5 and 50559, provide the authority for the regulation. The sections of law shown under “Reference” are the sections of law the regulation is to implement, interpret, or make specific the law enforced or administered, or to govern procedure. In this example, the section of regulation implements, interprets, or makes specific Health and Safety Code Sections 17921 and 17922.

CCR Title 24 is different in this regard. Because some sections contain California Amendments by multiple State agencies, or are adopted by numerous State agencies, it was recognized that listing each agency’s authority and references beneath each code section within CCR Title 24 would result in a much more voluminous code. Accordingly, in the first chapter, or similar segment of each Part of CCR Title 24, is information on each adopting State agency’s authorities and references. Additionally, the type of building subject to

the regulations by each State agency is identified as well as the governmental entity responsible for enforcing the provision, such as the State adopting agency and/or local government. The following are two examples from CCR Title 24, Part 2, the California Building Code.

“101.17.8 DWR-Department of Water Resources

Application- single-family residences that construct, install or alter gray-water systems for landscape irrigation.

Enforcing Agency- Local building department or the Department of Water Resources

Authority Cited: Water Code sections 14875 through 14877.3

Reference: Water Code Sections 14875 through 14877.3”

*“101.17.13 OSHPD-Office of Statewide Health Planning and Development
1. OSHPD 1*

*Application- General acute-care hospitals and acute psychiatric hospitals.
For Structural Regulations: Skilled nursing facilities.....*

Enforcing Agency- OSHPD. The office shall enforce the Division of the State Architect’s access compliance regulations and the regulations of the Office of the State Fire Marshal for the above stated facility types.

Authority Cited- H&SC 127010, 127015, 1275 and 129850.

*Reference- H&SC 127010, 127015, 1275 and 129675 through 129990,
H&SC 19958 and H&SC 129680”*

(The above two examples were selected because they are among the shortest. You may review HCD’s Authority and Reference in CCR, Title 24, Part 2, Sections 101.17.9 and 101.17.9.1)

There is value in understanding the Authority and Reference citations. It enables the reader to identify and investigate the cited law being implemented by the regulation when clarification is needed. Many times it is desirable to read the law along with the implementing regulation. Sometimes, the law has been modified by recent legislation while the implementing regulations have not been updated for consistency with the amended law. The State agencies can only act to amend the regulations after the law is enacted or amended. Thus, there is a period of time when the State regulations may not be consistent with new enactments in State law, so it is prudent that



anyone applying or enforcing the provisions of law or regulations be cognizant of this possibility.